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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,550	03/08/2002	Debendra Das Sharma	10019854-1	8783

7590 10/06/2004

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

GANDHI, DIPAKKUMAR B

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/092,550	<b>Applicant(s)</b> DAS SHARMA, DEBENDRA	
	<b>Examiner</b> Dipakkumar Gandhi	<b>Art Unit</b> 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03/08/02.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Oath/Declaration*

1. It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.
2. It does not identify the citizenship of each inventor.

### *Claim Objections*

3. Claim 19 is objected to because of the following informalities: "if either (a) or (b) are met" is incorrect. It should be --if the TIDs are equal--. Appropriate correction is required.

### *Double Patenting*

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/092,501 in view of Jiyuumonji (JP 08008995 A).

This is a provisional obviousness-type double patenting rejection.

The application No. 10/092,501 teaches a method for retransmission of transactions in a multi-processor computer architecture, comprising: at a source node in the computer architecture, the source node comprising a retransmit buffer, designating a transaction for transmission to a destination node in the computer architecture, the destination node comprising a receive buffer, wherein the transaction is designated for transmission over a first path in a first flow control class; retrieving a transaction identification (TID) for the designated transaction; comparing the retrieved TID for the designated

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transaction to TIDs in the retransmit buffer, wherein if the comparison does not show a match: attaching the retrieved TID to the designated transaction, placing the designated transaction in the retransmit buffer, and sending the designated transaction to the destination node; and wherein if the comparison shows a match, transmitting the designated transaction over a second path (claim 1, application No. 10/092,501). The examiner would like to point out that a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

However the application No. 10/092,501 does not explicitly teach the specific use of dynamic retransmission.

Jiyuumonji in an analogous art teaches that the dynamic retransmission time-out value of the timer 106 is updated by a retransmission timer control part 108 (abstract, Jiyuumonji).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the application No. 10/092,501 with the teachings of Jiyuumonji by including an additional step of using dynamic retransmission.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using dynamic retransmission would provide the opportunity to accurately determine the time-out value of the data frame sent from the source based on the transmission link conditions.

6. Claim 2 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claim 3 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction

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identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

The timed-out transaction TID and the timed-out transaction sequence number minus one are similar.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claim 4 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Claim 5 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10. Claim 6 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

11. Claim 7 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

12. Claim 8 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

13. Claim 9 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

14. Claim 10 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

15. Claim 11 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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16. Claim 12 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12, 13 and 14 of copending Application No. 10/092,501.

Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

17. Claim 13 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 15 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

18. Claim 14 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction. The receive\_TID table and receive buffer are similar items. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

19. Claim 15 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-16 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because "waiting for a time period slightly less than N times the time of flight, wherein N equals 3 to 4" is similar to if the source node does not receive an acknowledgement within a specified time (claim 16, Application No. 10/092,501). "Invalidating the entry in the receive\_TID table" is similar to dropping the transaction (claim 15, Application No. 10/092,501).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.



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20. Claim 16 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction. A send\_TID table is similar to a send\_seqid table and a receive\_TID table is similar to a receive\_seqid table.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

21. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction. A TID of a last transaction pending in the retransmit buffer is similar to sequence number of the most recent transaction sent from the source node to the destination node.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

22. Claim 18 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 18 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

23. Claim 19 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

24. Claim 20 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 20 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

25. Claim 21 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 21 of copending Application No. 10/092,501. Although the conflicting claims are not identical, they are not patentably distinct from each other because a transaction identification (TID) and a sequence number for a transaction are similar means to identify a transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dipakkumar Gandhi whose telephone number is 703-305-7853. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Dipakkumar Gandhi  
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